IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 364 OF 2007

Rajnath Parasnath Yadav ..Applicant
V/s
State of Maharashtra ..Respondent.

Mr. A.K. Singh, Advocate i/b Lex Remedeum for the applicant.

Ms. R.M. Gadhvi, APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 23RD FEBRUARY, 2007.

P.C.

. Heard Mr.Singh, learned Counsel for the applicant and Ms. Gadhvi, learned APP for the State. Perused the police papers.

2. The applicant seeks to be released on bail in Crime No.395/2006, registered by Samta Nagar Police Station for the offence punishable under Section 304B r/w section 34 of Indian Penal Code.

3. The prosecution case, in brief, is that Kasturi, daughter of Chotelal, was married to the present applicant on 3rd December, 2000. At the time of marriage, her parents had spent about Rs. four lacs on marriage' and they had also given amount of Rs. Three

lacs as dowry. For about one year there were no complaint of any ill-treatment from her but thereafter on telephone she informed her father that she was being harassed for more money. As the demand was not fulfilled, the ill-treatment continued. On 26/12/2006 she committed suicide by hanging herself. Immediately message was given to her brother. After her funeral on 28/12/20006, FIR was lodged by her brother making above allegations. During the investigation, a suicide note purporting to have been written by the deceased was found. It only shows that she had committed suicide voluntarily without giving any further reasons. Complete post-mortem report is not yet available because Doctor is on leave. However, report showing the cause of death is supplied to the police, which shows that there were evidence of ligature marks over the neck and viscera was sent to C.A. The report of C.A.is not available and it is not known how much time will take to get viscera report. From the circumstances, it appears that she committed suicide by hanging herself and according to prosecution, she committed suicide because of physical and mental torture on account of demand of money.

4. On the other hand, it is the contention of the applicant that deceased was M.A. in Sanskrit and was highly qualified. She wanted to make a career in Civil Services but because of the marriage she could not pursue and because of this frustration she might have committed suicide. It is difficult to digest this reason. At the same time, it also appears that the applicant is highly qualified holding degree in MBA and is well placed with IIFCO-TOKYO Company, which is a multinational Company. A person holding MBA degree working with multinational Company is expected to earn sufficient and therefore, it is difficult to understand why such a person could harass his wife for getting small amount from her parents'. Investigation is almost completed and charge-sheet is likely to be filed within few days. The applicant is in custody for last about two months. Therefore, I find that no purpose will be served by detaining applicant in jail any more.

5. The applicant be released on his executing P.R. of Rs. 25,000/- with one surety in like amount with conditions that he shall not tamper with the prosecution evidence. He shall attend the police station on every Sunday between 4 to 6 P.M. till filing of the

charge-sheet.

(J.H. BHATIA, J.)